THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL No.1998 of 2005

Date: 24-10-2005

Between:

Bharat Dynamics Limited …Appellant

And

Syed Lateefuddin …Respondent

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL No.1998 of 2005

J U D G M E N T (Per the Hon'ble Sri Bilal Nazki, ACJ):

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Heard learned counsel for the parties and with their consent, the writ appeal is being disposed of at this stage.

The appellant passed an order on 10-08-1999 striking off the name of the writ petitioner/respondent from the Rolls of the Company. He challenged the order in Writ Petition No.7516 of 2000. While entertaining the writ petition, the Court stayed the order dated 10-08-1999 and as a result, the writ petitioner is continuing in service. In the meantime, the writ petition came to be decided finally by an order

dated 28-12-2004, which is impugned in this writ appeal. We have heard the learned counsel for the parties and we agree that the learned Single Judge merely continued the order dated 28-04-2000 passed in WPMP No.9867 of 2000 without going into the question of legality or otherwise of the order dated 10-08-1999, which was the subject matter of the writ petition. Therefore, we allow the writ appeal, set aside the order passed by the learned Single Judge and remand the matter back to the learned Single Judge for disposal by the learned Single Judge in accordance with merits. The interim order dated 28-04-2000 in WPMP No.9867 of 2000, by which the writ petitioner was continuing in service shall, however, continue to remain in force till the writ petition is decided. No order as to costs.

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(Bilal Nazki, ACJ)

24th October, 2005

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(R.Subhash Reddy,J)

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